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Paper No. ~~16~~ 17

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JAN 30 2004

DIRECTOR OFFICE  
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In re Application of: Keller et al. )  
Application No. 09/399,281 )  
Attorney Docket No. 5500-46300 ) **DECISION GRANTING PETITION**  
Filed: September 17, 1999 ) **TO ACCEPT CORRESPONDENCE AS**  
For: VIRTUAL CHANNELS AND ) **TIMELY FILED UNDER 37 CFR §1.8**  
CORRESPONDING BUFFER )  
ALLOCATIONS FOR DEADLOCK-FREE )  
COMPUTER SYSTEM OPERATION )

This decision is in response to the request for reconsideration of the original petition to withdraw the holding of abandonment of this application. This request was filed on August 13, 2003. The original petition was dismissed on July 30, 2003. This request is being considered as a renewed petition to accept papers as timely filed under 37 CFR §1.8. This application was abandoned for failure to file a proper response to the Final Rejection mailed August 8, 2002 (Paper No. 9).

In support of the original petition and the renewed request, petitioners have provided (over the two submissions) a copy of the appeal brief (in triplicate); an after final amendment along with a marked up copy of the amendment; fee authorization and a statement from Mr. Merkel who signed the original certificates of mailing for these items. The postcard receipt provided is for the filing with the original petition – not for the date of December 18, 2002 (the date of the original certificate of mailing).

The evidence *en total* now meets the requirements of 37 CFR § 1.8(b) and establishes that a timely response was, in fact, filed on December 18, 2002.

The petition is **GRANTED**. The holding of abandonment is withdrawn.

The application file is being forwarded to the Technical Support Staff and to the examiner for consideration of (1) the after final amendment and (2) for entry of the Appeal Brief which were attached to Paper No. 16 (the request for reconsideration).

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